

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 23rd day of May 2016 A.D. at 7:00 p.m.

President deMedeiros opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:	Denise M. deMedeiros - President	Jay J. Lambert	Peter A. Mello
	Joan B. Chabot – Vice President	Brett N. Pelletier	David Perry
	Joseph R. Sousa		

Town Administrator, Matthew Wojcik and Town Solicitor Anthony DeSisto were also present.

Approval of Consent Agenda:

All items listed with “(CA) “are to be considered routine by the Town Council and will ordinarily be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests and the Town Council President permits, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

President deMedeiros read the items on the Consent Agenda. Councilor Chabot requested removal of item CA1a, Councilor Pelletier requested removal of items CA3b and CA6 and Councilor Perry requested removal of items CA5 and CA10.

Councilor Perry motioned to Approve the rest of the Consent Agenda. The motion, seconded by Councilor Sousa passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA:

A-2-Receipt of Minutes from the Following Boards, Commissions:

- a. Cemetery Commission
- b. Harbor & Coastal Waters Management Commission
- c. Historical Cemeteries Commission
- d. Recycling/Landfill Committee (3)
- e. Prevention Coalition Newsletter and Minutes

A-3-Correspondence – Receive and File;

- a. East Greenwich Town Council Resolution Supporting H 8005–Student Transportation Legislation Revisions

A-4-Approval of Tax Assessor’s Abatements

A-7-John Cordeiro, Megan L. Cordeiro Memorial Foundation – Request Permission to Hold 8th Annual Miles for Megan Bike Ride/Walk on Saturday, September 24, 2016 – Tiverton and Little Compton Referred to Police Chief for Recommendation and Subject to All Legal Requirements

A-8-Town Administrator–Approval of Resolution Supporting the Goals of the Rhode Island Energy Challenge

A-9-Town Administrator - Enabling Legislation for School Bond on November Ballot

A-11-Re-Scheduling of Public Hearing to June 13 to Amend Ordinance Chapter 54-36, Article II – Recreation Regarding Recreation Equipment Rental Businesses for Proper Advertising

BUSINESS BROUGHT BEFORE THE COUNCIL

A-1a- Approval of Regular Council Meeting Minutes of May 9, 2016

Councilor Chabot requested these minutes be amended on page 4; Councilor Lambert moved the resolution for the grant proposal not Councilor Chabot, requested approval as amended.

Councilor Chabot motioned to Approve as Amended the Regular Council Meeting Minutes of May 9, 2016. The motion, seconded by Councilor Perry passed unanimously.

CA3-Correspondence – Receive and File

b.Exeter Town Council Resolution in Support of Legislation Restoring Funding for State Aid to Libraries to Full Twenty-five Percent

Councilor Pelletier noted resolution requests the Legislators to restore State aid funding to the Libraries to 25%; requested the Council draft a similar resolution to send to the State House in support of funding back to 25%.

Councilor Pelletier motioned to Request the Town Clerk put similar language together for the next meeting and that this correspondence be received and filed. The motion, seconded by Councilor Chabot passed unanimously.

CA-5-Treasurer Denise Saurette – Budget and Revenue Reports for April

Councilor Perry questioned the Town Administrator about several accounts- on page 1 if the Hotbox has been purchased. Administrator Wojcik noted it has yet to arrive; the money has been obligated. DPW – Furnace, Main Garage, will not be doing. Police Department – AV Recording Equipment, will ask Chief Blakey, recalled this whole project was recast the \$4,200 will not be enough. Town Clerk- Recodifying Town Code will be used this year. Town Council, Advertising for Comprehensive Plan has \$6,000 left; T/A Wojcik noted the Planning Board has this on their agenda for the first meeting in June to review, probably will not happen until the next fiscal year. Comp Plan mapping, \$1,500 will be spent this year according to Town Planner, Marc Rousseau. Some of the professional tech services will be used for Comp Plan editing and for Grinnell's Beach. Page 3- Municipal Court Supplies, \$7,600 – will be used to purchase the software program in addition to a transfer on this agenda, as explained by the Town Clerk. Page 4- Revaluation, questioned if it will be spent. Councilor Chabot noted it was a restricted account. T/A Wojcik noted this may go down to \$25k if the legislation passes for the 10 year revaluation. Page 4- Group Health Insurance, questioned if there would be enough left at the end of the year. T/A Wojcik explained this was budgeted to use the Premium Stabilization fund account for the last month. The Special Retirement for Firefighters, a small group, is spent at the end of every year. Page 5- Fire Department Overtime, spent \$40k, have over \$8k left, will be enough to cover. Councilor Perry was trying to get to if a department needs it then spend it now, don't know what will be left. Councilor Perry noted several other accounts with large balances. T/A Wojcik noted the Water Department request will go back to Paving if not spent. Councilor Perry noted \$86k in the Paving Account; T/A Wojcik explained that would take care of two small projects, will forward a list of scheduled streets.

Councilor Perry motioned to Approve CA5, seconded by Councilor Sousa passed unanimously.

CA-6-Marc Rousseau, Administrative Officer – Activities Report for April

Councilor Pelletier questioned Mr. Rousseau about a Notice of Violation for signage for a subdivision plan. Mr. Rousseau explained the subdivision plan has not been recorded, working with the applicant; needs to be reviewed by legal counsel. Hope to have it recorded in the next couple of weeks.

Councilor Pelletier motioned to Approve CA6, seconded by Councilor Chabot passed unanimously.

CA-10-Town Administrator – Town Fiscal Report May 2016

Councilor Perry asked the Town Administrator to explain this report; T/A Wojcik presented this at the Library Wednesday night. Administrator Wojcik explained the tax levy vs the tax rate. The tax rate is the very last output

of the entire process, the calculation of a very large denominator. The denominator is the tax base of the Town; the value of all the real estate, tangible property and motor vehicles. For purposes of this chart just went with the gross real estate value and charted it over 20 years. The value of the Town has grown over a certain rate and the levy (taxes raised from real estate) has grown. The rate goes down as the value of the Town goes up; homes have been built and new business started. Cannot make an artificial connection between the value of the Town and the levy; the levy is the result of what is needed to support provided services.

Councilor Perry motioned to Approve CA10, seconded by Councilor Sousa passed unanimously.

Items moved up in the agenda.

At this time President deMedeiros requested bringing forward to this point the Licensing items C1 and C2.

Councilor Lambert motioned to bring forward items C1 and C2 to this point. The motion, seconded by Councilor Perry passed unanimously.

C-TOWN COUNCIL SITTING AS BOARD OF LICENSING:

1. Rachel McGarty, d/b/a RAMCO, 1560 Bulgarmarsh Road - Request Approval for New Fireworks and Holiday Licenses– Subject To Meeting All Legal Requirements

President deMedeiros noted the fireworks would be sold from the parking lot. Ms. McGarty, a Tiverton resident, explained these licenses for 1560 Bulgarmarsh Road would be at what is known as Route 177 Flea Market, all proceeds would be reinvested back into the building, in great need of repair.

Councilor Perry motioned to Grant Approval for New Fireworks and Holiday Licenses to Rachel McGarty, d/b/a RAMCO, 1560 Bulgarmarsh Road Subject To Meeting All Legal Requirements. Councilor Sousa seconded the motion, Councilor Pelletier questioned if the Clerk heard from the Fire Department. Chief Lloyd did not have a problem with it; the Clerk had received an email after packets were distributed. The motion passed unanimously.

2. Ankit Patel, Supreme Smoke Shop, Inc. – Request for Approval of Tobacco Dealer License and Holiday License – Subject To Meeting All Legal Requirements

Mr. Patel explained this was his first business in RI, located at 1540 Bulgarmarsh Road, next to Crossroads Liquors. Solicitor DeSisto noted the product, e cigarettes are considered by the State to be similar to tobacco, falls under the Tobacco Dealer license.

Councilor Perry motioned to Approve a Tobacco Dealer License and Holiday License – Subject To Meeting All Legal Requirements, for Ankit Patel, Supreme Smoke Shop, Inc. The motion, seconded by Councilor P. Mello passed unanimously.

PRESENTATIONS

1. Gil Fletcher - Progress Report on Feral Cat Project

Gil Fletcher, along with Barbara Pelletier, two years ago came before the Council regarding this program proposed by Placing Paws and PawsWatch. At that time implemented a program to trap, neuter and release feral cats. With a resolution from the Town, applied for a grant from PetSmart charities for the first year. Conducted a modest outreach program which matured over the years; to get more credibility in the State, reached out to other organizations with high level name recognition. Organization renamed Community Cat Alliance of Tiverton (CCAT). Mr. Fletcher presented various documents related to the program. As of today some 284 cat have been trapped, neutered and vaccinated; 40 kittens found with the feral cats have been adopted out. PetSmart provides \$50 per cat for neuter and vaccine. Hoping to generate residential public interest to help trap the cats. Working with local legislators for a change in the language so when the cats are put back it's not considered abandonment. The goal is to use this new organization to bring the methodology forward to the State; by the end of the year other

programs will be used in other parts of the State. Mr. Fletcher read a letter from Scott Humphrey, President of Humphrey's about a problem he had with feral cats. Eventually the cats will not reproduce by attrition, should not have a feral cat problem in 10 years. Barbara Pelletier noted PawsWatch was doing a phenomenal job, commended Laurie Mello and Michele Barcelou. Councilor Sousa called these volunteers shining stars, a round of applause followed. President deMedeiros thanked both very much.

2. RIDOT – Stone Bridge Abutment Project

Bill DeSantis and, Senior Project Manager and Jack Madden, Senior Project Engineer for VHB, appeared before the Council to provide an update on the Stone Bridge Abutment project. The plan is to replace the north wall that is bulging out into the water; believe the mortar in the stone walls has deteriorated and washed away. Initially the idea was to replace the sidewalk and fill with flowable fill; low strength loose concrete. The wall would then be replaced with rip rap; the south side was repaired a few years ago by DOT. The wall cap on that side has deteriorated along with the railing; both would be replaced. CRMC was not supportive of that amount of fill being placed in tidal water; after some discussion reached a compromise. The idea is to drive the sheeting in front of the sidewalk; that would isolate the construction site from the bay. The top of the sidewalk could be removed efficiently, pour in flowable fill above the high, high water mark, resurface the concrete cap which would allow a smaller section of wall to be built above the tidal range. That minimizes the amount of fill that goes into the bay and fits within the cost of the project budget. The next step is to prepare the application going to CRMC and then advertise. Once that permit is submitted if there are any changes it will substantially delay the project.

Councilor P. Mello, who was at the March 2016 meeting requested an explanation of the \$2.3million dollar budget vs the current budget of \$1.7 million. Mr. DeSantis explained of the \$2.3million original total project budget, \$200,000 was used to purchase the gas station, \$100k to repair the south side, funds were used for design, permitting, borings and emergency repairs. Councilor P. Mello recalled \$2.1million was discussed and agreed upon, questioned why it's now at \$1.7million. Mr. DeSantis explained this was not the Town's money, it's part of a Federal budget given to states allocated to certain projects; believed the original agreement included the design, construction and administration. The State agreed to take on the construction administration, testing and monitoring. DOT has given VHB a contract to separate out the design, building and construction for the \$1.7million budget. Councilor Lambert agreed with Councilor P. Mello, should have an explanation. President deMedeiros suggested asking RIDOT to explain and will put on another agenda.

In response to additional questions Mr. DeSantis explained the two options for the wall; stone masonry with RI stone wide detail prefabricated sections of abutment or pre cast concrete bluff design for salt water. This design will allow access to the Town dock and looking at options for the railing including a pressure treated timber. The idea is to build drainage to allow for water run-off from the south side, put a sand filter under the drain until it's off the abutment then goes to the monument park area where it can be discharged off into the ground; will mesh in with the plan that was given for the beach. There will be a dry conduit for the Fire Department for electrical hookup; a 2 inch service line will go to the project limit then the beach project will pick it up. Mr. DeSantis hoped to submit the CRMC application in two weeks, by the end of the summer should have a project manager at DOT, will keep the Town informed. Councilor Pelletier agreed about the request for information given the scope and size of this project, did not want it to be jeopardized when it's so close; at the end of the day DOT holds the money and the contract. Administrator Wojcik explained how to get to the \$2.3million- \$1.7million contract budget, \$100k for south side wall repair, \$200k for Seaside Gas, \$230K for the design contract for VHB including \$184k for reimbursement not captured and \$100k for construction supervisor. Contract is in the hands of the Town, cannot amend without Council authority. Mr. DeSantis opined the sheeting would last more than 50 years but will double check. The DOT project manager is Julie Oakley; have also had detailed discussions with the Harbor Commission. Trish Hilton, Chair of the Grinnell's Beach Improvement Committee noted the Town would be responsible for maintenance after the project was done; questioned the railing replacement. Mr. DeSantis explained they would work with the Town, right now lighting is not in this budget. The abutment will have water service and a dry line. Ms. Hilton recalled some \$350k or more from a direct congressional earmark to this project could not figure out

where that fit in. Mr. DeSantis believed all the federal money was in this figure. Councilor Pelletier recalled Patrick Kennedy was in Congress at the time and money was transferred from the Main Street program for this project. T/A Wojcik wanted all the options for the design to be priced out, will administer as a project and recommend the Council award DOT the bond.

At this time President deMedeiros requested moving up item D1, appointment request and then will go into Closed Executive Session.

Item moved up in the agenda.

Councilor Pelletier motioned to move up item D1, Appointments, to the current place in the agenda. The motion, seconded by Councilor Perry passed unanimously.

D - APPOINTMENTS & RESIGNATIONS:

Appointments

1. Recreation – 2 Vacancies – 3 Year Terms to 4/15/2019

Dana Coute, 3 Whitetail Lane – Requests Appointment

Ms. Coute liked to volunteer and give back to the community. Last year attended several meetings about the summer camp program; saw a need for a day camp and the part time program at Pocasset.

Councilor Perry motioned to Appoint Dana Coute, 3 Whitetail Lane to the Recreation Commission for a 3 year term to 4/15/2019. The motion, seconded by Councilor Sousa passed unanimously.

Item moved up in the agenda.

CLOSED EXECUTIVE SESSION:

Councilor Lambert motioned to go into Closed Executive Session pursuant to 42-46-5(a) (5) re: Open Space - Acquisition of Real Property. The motion, seconded by Councilor Pelletier passed unanimously on a roll call vote.

The Council entered into Executive Session at approximately 8:50 p.m.

The Council returned to Open Session at approximately 9:05 p.m.

OPEN SESSION:

Councilor Pelletier motioned to seal the minutes of Closed Executive Session. The motion, seconded by Councilor Chabot passed unanimously.

Councilor Pelletier motioned to Direct the Town Administrator and Town Solicitor to act in accordance with the direction given in Executive Session. The motion, seconded by Councilor Chabot passed unanimously.

Item moved up in the agenda.

Councilor Perry motioned to move up item B2 to be taken with item C3. The motion, seconded by Councilor Sousa passed unanimously.

B-PUBLIC HEARINGS:
Advertised Public Hearings

2.General Auto Recycling, Inc., 384 King Road – Show Cause Hearing Concerning Licensing Requirements Including But Not Limited to Zoning Violations, Submission of Soil Erosion Plan, RIPDES Permit and Creation of a Physical Boundary Between Lots

C-TOWN COUNCIL SITTING AS BOARD OF LICENSING

3. General Auto Recycling Inc., 384 King Road
Junkyard and Second Hand Dealer License Renewals December 1, 2015-November 30, 2016 – Subject To Meeting All Legal Requirements – Pending Violation, Town Solicitor

Solicitor DeSisto handed out a series of photos showing the area from 1995 to 2015 and copy of the Notice of Violation (NOV) dated November 17, 2014 that was not fully addressed at the last meeting. Attorney Robin Main, representing the owner Chris Petropoulos requested making a brief presentation and then hear from the Town's representatives. Ms. Main has appeared as general counsel for General Auto at least 6 times on this licensing issue; opined there were no standard requirements, no Town ordinance for a Show Cause hearing. Company has been in Town over 50 years and employs 25-30 people, paying \$22k in taxes. Lot 115, owned by A&C Realty is not the subject of the license; has nothing to do with General Auto. Ms. Main opined to attach the NOV to this license is beyond the Town's jurisdiction. General Auto is working with RIDEM on admitted wetlands violation. Scott Rabidou has developed a plan with Bruce Ahearn from DEM. Have been moving over 2,000 cars, 4 million pounds of vehicles from the site in dispute, lot 113. Ms. Main presented various documents regarding the removal of those cars. The NOV was tied to the wetlands issue, needed to get that in line first before removing vehicles. At the last meeting the tank issue came up, told the Council what that was used for, removed the tank. Knew from RIDEM the tank was unregulated; Town officials were on site, disputed the jurisdictional issue. Did not believe the documents caused an action, RIDEM jurisdiction. Received a notice late Friday afternoon about a court hearing on Monday regarding the tank issue. Reached an agreement at the side bar; handed the Clerk a folder of documents from the Court action. Conducted sampling which showed nothing was there; the tank remains on site. This issue cost a significant amount of money, argued the Show Cause hearing has no standards. Tried to address the Town's concerns, cannot control RIDEM schedules; opined there wasn't any good cause here to revoke the license. The RI Supreme Court decided the State law giving authority to the municipalities for a junkyard license was unconstitutional; if going to court will seek legal fees.

Solicitor DeSisto commented on a couple of the issues raised, this matter predated his appointment. The Town has been moving this along; full notice has been given to the applicant at all times. Councilor Perry had asked about the tank two weeks ago could have been taken care of with a phone call. The Building Official contacted the licensee, said he wanted to have a look at the tank. The owner said he was taking out the tank that Friday morning that led to the court filing. The Town has to do things to protect the health, welfare and safety of the Town. This issue has been on the calendar many times, have tried to work with the applicant. The Solicitor was familiar with the Metals Recycling case, this is a renewal. Solicitor opined the Town did have the ability to license these types of establishments, also has the ability to renew. Under Town ordinances 62-63 the Town does have to show just cause as to why this license should not be renewed or revoked.

Building Official, Neil Hall, explained he had been to the site several times, most recently April 2016 when the tank was pulled out. Mr. Hall did not see the lot in question at the eastern corner down near the pond. Some cars had been moved off the lot not in conjunction with the business; was pretty much the same. Did not see a separation between lots 113 and 115, one of the requirements the Town had; observed cars lined up as a buffer. Mr. Hall believed the property to be pre-existing non-conforming use; in order for the business to expand need a special use permit. Solicitor DeSisto explained in this instance the licensee acknowledged he expanded the surface of the property; he agreed he would have a physical barrier there. Mr. Hall answered several questions from Ms. Main.

Mr. Hall had contacted the owner about the tank being removed, was told it was going to be the next day. Ms. Main objected to the questions about the tank. Councilor Pelletier referenced maps from 1995 and 2015 for lots 110 and 112 and whether the cars were still there. Mr. Hall did observe cars in that area when the tank was being removed.

Councilor Chabot clarified the NOV for lot 115 was for zoning; the Show Cause notice was for lot 113. Solicitor DeSisto explained the Show Cause notice goes beyond the zoning and the expansion of the non-conforming use; goes to the wetlands violation and whatever else was listed in the ad. This is also to illustrate this has been going on for some time. Matter does not go to the tank on lot 112 which had nothing to do with the business. Solicitor DeSisto noted the tank just came up and was for informational purposes. President deMedeiros noted the owner was running a business on lot 112 and should not have been. Solicitor DeSisto noted it goes to expansion of the lot. Ms. Main had an aerial photo showing cars on lot 112 which was always part of General Auto's business. There is no NOV for lot 112; the NOV for lot 115 was irrelevant. Cars were in the area of lot 113 which was why the wetlands restoration plan was done. The restoration plan includes a small portion of lot 112. Solicitor DeSisto questioned Ms. Main if lot 115 was owned by General Auto. Ms. Main explained Mr. Petropoulos was a manager and part owner of A&C, not affiliated with General Auto. Lot 115 was never owned by General Auto; A&C Realty owns it, prior to that was owned by a Mr. Audette.

Councilor P. Mello questioned the Consent Agreement and the Town not receiving written notice of the violation. Ms. Main explained they voluntarily showed the violation to DEM, there is no jurisdiction to the notice on the wetlands; RIDEM accompanies an NOV with a consent order. Councilor P. Mello wanted to discuss the tank. Solicitor DeSisto requested first hearing from the consulting engineer, Deidre Paiva. Ms. Paiva was at the site tonight, there were no cars on lot 115. A lot of cars have been removed but there are still some around the pond area; should at least start removing the cars around the wetlands while waiting for DEM. Regular permitting can take from 3-6 months. Solicitor DeSisto followed up a question earlier from Councilor Chabot; there were two NOV's, one for lot 115 and one for lot 113. Ms. Paiva affirmed of the 30 acres approximately 26,000 square feet were for the wetlands violation, disturbing soil like that is a violation of the Town code. President deMedeiros noted there were still cars on lot 113 and the NOV was dated 11/17/2014. Ms. Main reminded the wetlands violation was from DEM; General Auto has been operating on lots 113 and 112 for over 50 years. Ms. Main noted the license was for the address on King Road, does not specify lots. Councilor Perry questioned Ms. Paiva about the tank removal which was cleaned out by someone who does that for a living, it was cut up and taken away. President deMedeiros noted the Town wanted to know what was in the tank before that was done. Solicitor DeSisto noted under section 18-2 not supposed to have septic tanks like this on the property, are exceptions under DEM regulations but not under Town ordinances. Solicitor DeSisto asked Ms. Paiva for her qualifications; works at Steere Engineering as a Civil Engineer, has been a Town consultant for 17 years very familiar with zoning and planning board rules and regulations. Licensed in Environmental Civil Engineering, degree from URI. Ms. Pavia affirmed that General Auto could not restore the wetland on lots 113 and 112 until there is an agreement from DEM. Solicitor DeSisto looked at the license and noted it does not have a lot number just the address of 384 King Road.

Ms. Main questioned Scott Rabideau, a professional wetlands scientist since 1987. Qualified in all courts in RI and MA for wetlands, soil and as a wildlife biologist. Mr. Rabideau explained DEM considers this one large wetlands violation, the remediation will address all the property. On November 19, 2015 met with Bruce Ahern, Senior Environmental Scientist for DEM at the Office of Compliance and Inspection (OCI), authorized to go on site, walked all three lots. Came up with a general overview of a restoration plan. A significant draft of the restoration plan was presented to Mr. Ahern in March 2016. Mr. Rabideau handed out aerial photos (6 sheet set) including wetlands delineation. In total there is a little more than 1 acre for swamp alteration and 3.1 acres for perimeter wetlands alteration. All are regulated; have to be restored down to the grade. It is not unusual for DEM to take this amount of time; Mr. Ahern is one of two scientists that cover the entire state. It is not unusual for a Consent Agreement and NOV to be signed on the same day as a restoration plan has to be worked out and agreed upon. Main questioned what Mr. Rabideau observed regarding the expansion of use for lot 113. Moving in a westerly

direction to clean out cars; the cars from the eastern side have been removed. Once lot 113 has been restored it will not be available for use; will be delineated by a row of white pines. In response to Ms. Main's question Mr. Rabideau noted it was not entirely correct that they had to wait for DEM, can do a triage restoration while waiting for the agreement from DEM. The wetlands violation is the first issue before Stormwater or RIPDES, Rhode Island Pollution Discharge Elimination Systems program. Lots 112 and 115 were already significantly altered; lot 115 is recent and a RIPDES general permit would have been required because it's over an acre. Mr. Rabidou recalled the Stormwater regulations took effect in 2010, prior to that everything is exempt. A wetlands alteration is very serious, they want to make sure that soil erosion is properly addressed; the restoration on lot 115 will be contiguous. Mike Russell commented on aerial photos from 1982 and pointed out the various lots, has visited the property dozens of times. Ms. Main handed out copies of the 1982 photo to the Council. Using the Town's GIS mapping system lot 113 has a street address of 384 King Road Rear, lot 112 has a 0 King Road address and lot 115 has a 0 King Road address owned by A&C Realty with a mailing address of 384 King Road.

Councilor Perry motioned non-renewal of license. Solicitor DeSisto explained this motion needed to be supported by findings of fact, cited section 63-63, need to have a just cause in order not to renew. Councilor Perry cited the violations brought forth, the disturbance of the wetlands and the expansion of the premises. Solicitor DeSisto suggested tying this back to the wording on the agenda; the zoning violations, submission of soil erosion plan, RIPDES permit and creation of a physical boundary between lots. The zoning violation is an expansion of previous non-conforming use; need to incorporate those items into the motion before it can be seconded. There are other provisions under the ordinance that have not been discussed; the question is whether there has been expansion of use over time, can look at the other lots for this as well. President deMedeiros added the original license was for lot 113; the expansion went into lot 112. The Council wanted an end to the expansion, a restoration plan and to take whatever steps necessary. Solicitor DeSisto explained the Council would need to find there is an underlying violation. Councilor Lambert, through the testimony of Mr. Rabideau, wanted to make sure his representations were correct and that once the signed consent agreement with the restoration plan was approved that all would be restored by October 2016. President deMedeiros opined the Council has been asking them to do this for two years, seems like they did not want to comply until pushed. They have a responsibility relative to the license.

Councilor Chabot recapped, the NOV was 18 months ago, not 2 years, and they are trying to clean up lot 115, have put cars as boundaries and surveyor stakes. They started removing cars from lot 113, have a plan to document the process and have provided updates the Council requested. All have acknowledged how long it takes RIDEM which has resource issues. It is moving along, has cost money for the professionals and the stenographer. Councilor Chabot opined they have done what was asked in a reasonable time frame. Councilor P. Mello's biggest problem was the tank and the illegal expansion of non-conforming use. Councilor Pelletier limited comments to lot 113 cited three things; environmental which is making progress, land use which does have an issue, have acknowledged there is some expansion of non-conforming use. Lot 113 is the licensed parcel for the address at 384 King Road, lot 115 has been resolved to the best of the Council's abilities. The environmental engineering plan is adequate. Councilor Pelletier concluded the Council did not have the findings of fact to revoke the license, hard to deny a license legally.

Councilor Chabot motioned to Grant a continuation of the license through November 30, 2016 to General Auto Recycling, Inc., 384 King Road. The motion was seconded by Councilor Sousa and discussion followed. President deMedeiros suggested getting a progress report in September. Councilor Chabot amended the motion to Extend the Junkyard and Second Hand Dealer License Renewal through November 30, 2016 with Progress Reports required in the September time frame. Councilor Sousa seconded the amended motion. Solicitor DeSisto explained the license was issued for 384 King Road; need to do more research on previous licenses to see where lot 112 fits in. The motion passed on a vote of 4-3, Councilors Sousa, Lambert, Chabot and Pelletier in favor, Councilors Perry, P. Mello and deMedeiros opposed.

Town Clerk Mello suggested the owner from General Auto submit an application as the license the Clerk is holding is about to expire 5/30; will not be taking any more applications without lot numbers.

Due to the late hour some items were continued to the next Council meeting.

B-PUBLIC HEARINGS:

Advertised Public Hearings

1. Town Administrator – Approval of Proposed Amendments to Fees and Fines Resolution

Councilor Pelletier motioned to Continue the Public Hearing on the Fees and Fines Resolution to the next regular Council meeting. The motion, seconded by Councilor Chabot passed unanimously.

E-UNFINISHED BUSINESS:

There were no items for Unfinished Business.

F-FINANCIAL BUSINESS:

1. Town Clerk Fiscal Year 2016/17 Budget

a. Approved at FTR

b. Approval of Funds for FTR Run Off if Necessary

Town Clerk Mello did not have a copy of the Budget as that was remanded back to the Budget Committee. President deMedeiros was looking to have a workshop to discuss the cuts. Administrator Wojcik explained the Budget was cut considerably by budget #2; opined the Budget is a policy document and the Town Council is the chief policy making body. Recommended to the Chair of the Budget Committee that they send the Budget to the Town Council for its recommendations, looking for direction. Like to know the areas that are off the table and have the Council make those recommendations and have the Budget sent back to the Budget Committee. Discussion followed on setting a meeting date, no decision was made.

2. Chief Thomas Blakey, Police Department – Request Approval for Transfer of \$6,000.00 from Police Gas Acct#3330-7611 to Municipal Court Office Supply Acct#1960-7423 for Purchase of Municipal Court Software Program

Chief Blakey was giving money towards the Municipal Court Software program for the Clerk's office.

Councilor Perry motioned to Approve the Transfer of \$6,000.00 from Police Gas Acct#3330-7611 to Municipal Court Office Supply Acct#1960-7423 for Purchase of Municipal Court Software Program. The motion, seconded by Councilor Chabot passed unanimously.

3. Town Clerk – Approval of Transfer of Funds for Municipal Court Program – \$3,784.83 from Acct#1960-5175 (M/C Clerical Assistant) to Acct#1960-7423 (M/C Supplies and Misc.)

Councilor Perry motioned to Approve the Transfer of Funds for Municipal Court Program – \$3,784.83 from Acct#1960-5175 (M/C Clerical Assistant) to Acct#1960-7423 (M/C Supplies and Misc.). The motion, seconded by Councilor Chabot passed unanimously.

4. Town Administrator – Request Approval of Transfers in DPW Accounts

a. \$10,000 from Acct#5540-6451 (Snow Removal) to Acct#5540-6648(Repairs & Tires)

b. \$5,000 from Acct#5540-6451 (Snow Removal) to Acct#5530-7645(Dozer Repairs)

c. \$4,000 from Acct#5540-6451 (Snow Removal) to Acct#5540-7423(Supplies & Misc.)

Councilor Perry motioned to Approve the Transfer in DPW Account for \$10,000 from Acct#5540-6451 (Snow Removal) to Acct#5540-6648 (Repairs & Tires). The motion, seconded by Councilor Chabot passed unanimously.

Councilor Perry motioned to Approve the Transfer in DPW Account for \$5,000 from Acct#5540-6451 (Snow Removal) to Acct#5530-7645(Dozer Repairs). The motion, seconded by Councilor Chabot passed unanimously.

Councilor Perry motioned to Approve the Transfer in DPW Account for \$4,000 from Acct#5540-6451 (Snow Removal) to Acct#5540-7423(Supplies & Misc.). The motion, seconded by Councilor Chabot passed unanimously.

5. Town Administrator – Request Approval of Transfers in DPW Accounts

a. \$6,600 from Acct#5540-5100 (Director Salary) to Acct#2220-5264 (MERS ER Contribution)

b. \$4,848 from Acct#5540-6451 (Snow Removal) to Acct#2220-5264 (MERS ER Contribution)

Councilor Perry motioned to Approve the Transfer in DPW Account for \$6,600 from Acct#5540-5100 (Director Salary) to Acct#2220-5264 (MERS ER Contribution). The motion, seconded by Councilor Chabot passed unanimously.

Councilor Perry motioned to Approve the Transfer in DPW Account for \$4,848 from Acct#5540-6451 (Snow Removal) to Acct#2220-5264 (MERS ER Contribution). The motion, seconded by Councilor Chabot passed unanimously.

6. Town Administrator – Settlement of Claim - IAFF

Administrator Wojcik explained there is a legal framework called the Fair Labor Standards Act (FLSA) that governs time and compensation for employees tied to hours of work and the form compensated. Over the last several months the differences have been reviewed; the Town has agreed to a set of settlement figures. The individuals affected will receive two different checks, taxes will be taken out. The sum total of \$114,000 will be transferred from the Fire Department Personnel Services account. Last year had four more full timers that are not employed this year

G-NEW BUSINESS:

There were no items for this topic on the agenda.

H-BIDS AND REQUESTS FOR PROPOSALS:

There were no items for this topic on the agenda.

H-1-OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS

No one signed up to speak at the Open Public Forum.

I-TOWN ADMINISTRATOR ANNOUNCEMENTS:

1. Delay on Mailing of Tax Bills to June 10th

The levy has been approved by the taxpayers, so the bills are being sent out on time.

2. Solar Presentation Scheduled for June 13

The Solar Presentation has been put off until June 13 so Emera can give a full presentation.

On the Consent Agenda this evening there was an energy initiative. If the Town can get 367 residents to follow a number of energy efficient steps then the Town will get a grant; will publicize this more.

Solicitor DeSisto clarified, a vote was already taken on the IAFF claim settlement.

J-COUNCIL ANNOUNCEMENTS:

Councilor Chabot reminded the OPEB funding review program is on June 8 from 8:30 am to 10:30 am. Councilor Chabot attended the initial Trust program review last year found it to be very good; will get a lot of information about OPEB funding. President deMedeiros suggested the Town Clerk poll Council by email for a consensus date on the special meeting.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

There were no Town Solicitor items.

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS:

There were no Town Clerk items.

ADJOURNMENT:

Councilor Pelletier motioned to adjourn, seconded by Councilor Sousa passed unanimously.

Council adjourned at approximately 11:50 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk